

## Yeas—12

Carney	Metcalf
Chadick	Moffett
Crawford	Parrish
Knight	Stanford
Lane	Vick
Martin	Winfield

## Nays—10

Aikin	Shivers
Brown	Spears
Bullock	Stone
Graves	Sulak
Jones	Taylor

## Absent

Hazlewood	Morris
Lanning	Ramsey
Moore	Weinert

## Absent—Excused

Kelley	York
Mauritz	

Accordingly, the Senate, at 6:30 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, May 7, 1945.

## SIXTY-NINTH DAY

(Monday, May 7, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Metcalf	Winfield

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 3, 1945, was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senators Kelley and Mauritz were granted leaves of absence for today on account of important business on motion of Senator Winfield.

## Senate Concurrent Resolution 31

Senator Moffett offered the following resolution:

S. C. R. No. 31, Relating to expense of sending certificates to members of armed forces who lose their lives while in service.

Whereas, The 48th Legislature directed the Governor of this State to send to the family or next of kin, of each Texan whose life is lost while in the service of his country in this War, a suitable certificate or card expressing the sympathy and admiration of the people of the State of Texas; and

Whereas, It was further provided that the actual expenses necessary to carry out the provisions of this Resolution, including postage, stationery, and printing, shall be paid from the Contingent Fund appropriated by the 48th Legislature, after due approval of said expenses by the Chairman of the Senate and House Committees on contingent Expenses; and

Whereas, Certain expense has accrued in furnishing these certificates since the convening of the 49th Legislature, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, that the Chairmen of the Senate and House Committee on Contingent Expenses are hereby authorized to pay such expenses including postage, stationery, and printing that have accrued since the convening of the 49th Legislature and such expense that will further accrue until the convening of the 50th Legislature.

The resolution was read.

On motion of Senator Moffett, the resolution was considered immediately

The resolution was adopted.

## Message from the Governor

The following message from the Governor was laid before the Senate, read and referred to the Committee on Nominations of the Governor.

Austin, Texas,  
May 3, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and con-

firmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Brazos Santiago Pass-Bar and Tributaries for two year terms to expire January 6, 1947:

Joseph A. Kelly of Cameron County.

Aubrey D. Shaw of Cameron County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### House Bill 259 on Final Passage

Senator Metcalfe called from the table for consideration at this time, H. B. No. 259.

The motion to reconsider prevailed.

The President laid before the Senate on is final passage:

H. B. No. 259, A bill to be entitled "An Act making it lawful in Comanche County, Texas, for any person to fish with hook, line or seine in any pond, tank, lake or river not owned by the State of Texas and owned and/or controlled by such person, provided that such seines do not have a mesh of less than one inch square; and declaring an emergency."

The bill was passed by the following vote:

Yeas—28

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Metcalfe	Winfield

Absent

York

Absent—Excused

Kelley                      Mauritz

#### Senate Bill 36 and Senate Bill 37 Tabled

On motion of Senator Stone, Senate Bill No. 36 and Senate Bill No. 37 were tabled:

#### Senate Bill 259 Set as Special Order

Senator Lane moved that Senate Bill No. 259 be set as a special order for Tuesday, May 8, 1945, immediately following the morning call on that day.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalfe
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	

Nays—1

Stone

Absent

Moore                      York  
Shivers

Absent—Excused

Kelley                      Mauritz

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 847, have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 421, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

**Messages from the Governor**

The following messages from the Governor were laid before the Senate and read; and the message submitting nominations was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
May 4, 1945.

**To the Forty-ninth Legislature:**

I am returning herewith House Bill No. 507 to the House of Representatives without my approval. My objections to the bill arise from a belief that it is unconstitutional.

It is my opinion that this bill falls within the category of those usually referred to as bracket bills which have been repeatedly held by the courts to be violative of Constitutional provisions. Among other cases, Bexar County vs. Tynan, 96 S. W. (2nd) 467; Miller vs. El Paso County, 150 S. W. (2nd) 1000.

In the message which accompanied the return of House Bill No. 167 to the 48th Legislature, and which appears in Senate Journal, page No. 286, and House Journal, page No. 581, the objections to similar legislation and the authorities supporting them are more fully referred to. I know of no subsequent opinions which overrule or modify the decisions in the cases cited.

Sincerely believing the bill to be invalid, it becomes my duty to return it to the House of Representatives without my approval.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
May 4, 1945.

**To the Forty-ninth Legislature:**

I am returning herewith House Bill 614 to the House of Representatives without my approval. My objections to the bill arise from a belief that it is unconstitutional.

It is my opinion that the bill falls within the category of those usually referred to as bracket bills which have been repeatedly held by the courts to be violative of Constitutional provisions. Among other cases, Bexar County vs. Tynan, 97 S. W. (2nd) 467; Miller vs. El Paso County, 150 S. W. (2nd) 1000.

In the message which accompanied the return of House Bill No. 167 to

the 48th Legislature, and which appears in Senate Journal, page No. 686, and House Journal page 581, the objections to similar legislation and the authorities supporting them are more fully referred to. I know of no subsequent opinions which overrule or modify the decisions in the cases cited.

Sincerely believing the bill to be invalid, it becomes my duty to return it to the House without my approval.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

Austin, Texas,  
May 4, 1945.

**To the Senate of the Forty-ninth Legislature:**

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Pecos River Compact Commissioner for a two year term to expire May 5, 1947:

Chas. H. Miller of Barstow, Ward County.

To be Rio Grande Compact Commissioner for a two year term to expire July 16, 1947:

J. E. Quaid of El Paso, El Paso County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

**Senate Bill 339 on First Reading**

Senator Spears moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley

Mauritz

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Spears:

S. B. No. 339, A bill to be entitled "An Act to amend Sections 1 and 3 of Chapter 219, Acts of 1927, 40th Leg., R. S., p. 322; and by adding Section 6A thereto; so as to lower the minimum of population and raise the limit of tax that can be levied; and authorizing a joint program of tuberculosis control in the cities and counties affected by the provisions of said Chapter 219, Acts of 1927, 40th Leg., R. S., p. 322; providing for the creation of City-County Tuberculosis Control Boards therein, and for the appointment of members thereof; providing for the levying of taxes in support of such program and the government and maintenance thereof; providing a saving clause; and declaring an emergency."

#### Senate Bill 340 on First Reading

Senator Bullock moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent—Excused

Kelley

Mauritz

The following bill then was introduced, read first time, and referred to Committee on State Affairs:

By Senator Bullock:

S. B. No. 340, A bill to be entitled

"An Act amending Article 2615 of the Revised Civil Statutes of the State of Texas by adding a new section to be designated Article 2615d, authorizing the Board of Directors or other managing officers of the Agricultural and Mechanical College of Texas to create, conduct and maintain a Short Course for County Officials, providing for an advisory board for the Short Course for County Officials, and authorizing said advisory board to confer with the Board of Directors of the Agricultural and Mechanical College of Texas concerning the organization and operation of said short course, and declaring an emergency."

#### Senate Bill 341 on First Reading

Senator Winfield moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent—Excused

Kelley

Mauritz

The following bill then was introduced, read first time and referred to the Committee on State Affairs:

By Senator Winfield:

S. B. No. 341, A bill to be entitled "An Act authorizing the issuance of refunding bonds in lieu of amortization bonds issued by water improvements districts or conservation and reclamation districts under authority of Chapter 78, Acts of the Forty-third Legislature; prescribing the method of issuing such refunding bonds; requiring an election on the issuance

of the refunding bonds and on the question as to whether said bonds shall be supported by an ad valorem tax or by a tax levied upon an equitable basis in proportion to benefits; prescribing the duties of the Comptroller of Public Accounts in reference thereto; providing for approval by the Attorney General and the effect thereof or in the alternative the adjudication thereof by court of competent jurisdiction and the effect thereof; making a finding as to benefits which have accrued to lands in such districts; prescribing a severability clause; enacting other provisions relating to the subject; and declaring an emergency."

#### Senate Bill 132 Set as Special Order

Senator Brown moved that Senate Bill No. 132 be set as a special order for Wednesday, May 9, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Absent—Excused

Kelley                      Mauritz

#### Motions to Pass Bills Over Governor's Veto

The following motions in writing were submitted by Senator Sulak:

I move that Senate Bill No. 161 passed by the Regular Session of the 49th Legislature be reconsidered, and that it do pass notwithstanding the objections and veto of the Governor.

SULAK.

I move that Senate Bill No. 193 passed by the Regular Session of the 49th Legislature be reconsidered, and that it do pass notwithstanding the objections and veto of the Governor.

SULAK.

#### Senate Bill 276 Tabled

On motion of Senator Jones, Senate Bill No. 276 was tabled.

#### Senate Bill 1 on Passage to Engrossment

(Unfinished Special Order)

The President laid before the Senate, as the unfinished special order on its passage to third reading (the bill having been read second time on May 1, 1945):

S. B. No. 1, A bill to be entitled "An Act declaring the policy of this State with reference to citizens of the Americas, declaring that public places catering to the public for business and profit are public utilities, defining the term "Mexican or Latin-American origin," providing for the elimination of discrimination by public utilities against persons of Mexican or Latin-American origin, prescribing penalties and civil damages, repealing all laws in conflict, and declaring an emergency."

With an amendment by Senator Lane, and a motion by Senator Spears to table the amendment pending.

Senator Spears withdrew the motion to table the amendment.

Senator Winfield offered the following substitute for the amendment:

Amend Senate Bill No. 1 by adding a new section to be known "as Section 6a" reading as follows:

"Section 6a. The provisions of this act (anything in any other section to the contrary notwithstanding) shall not apply to any country or to citizens or relatives of citizens of any country which does not have a law or laws granting to citizens of Texas and of these United States the same privileges and rights in such country as are contained in this law, and providing similar punishment for the violation thereof."

The substitute was adopted.

Question recurring on the amendment by Senator Lane, as substituted, it was adopted.

Senator Spears offered the following amendment to the bill:

Amend Senate Bill No. 1 by striking out all of lines 56 and 57 beginning with the word "with" on line 56 and ending with the word "business" on line 57 and substitute in lieu therefor the following:

"offered to any other person, citizen or individual."

The amendment was adopted.

Senate Bill No. 1 was then passed to engrossment.

### Senate Bill 1 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

#### Present—Not Voting

Weinert

#### Absent

Moore

#### Absent—Excused

Kelley

Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Winfield
Metcalf	York

#### Nays—2

Ramsey

Weinert

#### Absent—Excused

Kelley

#### Paired

Senator Carney (present), who would vote "nay" with Senator Mauritz (absent), who would vote "yea."

### Senate Bill 48 on Final Passage

Senator Stanford called up for consideration at this time the motion of Senator Metcalfe to reconsider the vote by which Senate Bill No. 48 failed to pass.

Senator Lane moved to postpone further consideration of the motion to reconsider until Monday, May 14, 1945.

(Senator Bullock in the Chair)

Senator Stanford moved to table the motion to postpone.

(President in the Chair)

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—19

Aikin	Morris
Brown	Parrish
Bullock	Ramsey
Graves	Shivers
Hazlewood	Spears
Knight	Stanford
Lanning	Stone
Martin	Sulak
Metcalf	Taylor
Moore	

#### Nays—10

Carney	Moffett
Chadick	Vick
Crawford	Weinert
Jones	Winfield
Lane	York

#### Absent—Excused

Kelley

Mauritz

Question recurring on the motion to reconsider the vote by which Senate Bill No. 48 failed to pass, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

#### Yeas—20

Aikin	Graves
Brown	Hazlewood
Bullock	Knight
Lanning	Martin

Metcalfe	Shivers
Moffett	Spears
Moore	Stanford
Morris	Stone
Parrish	Sulak
Ramsey	Taylor

Nays--9

Carney	Vick
Chadick	Weinert
Crawford	Winfield
Jones	York
Lane	

Absent—Excused

Kelley	Mauritz
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The President then laid before the Senate on its final passage (the bill having been read third time on Tuesday, May 1, 1945):

S. B. No. 48, A bill to be entitled "An Act providing for a more secret ballot; amending Article 2980, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925, amending Article 2990, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925; amending Article 3008, Title 50, Chapter 8 of the Revised Civil Statutes of Texas, 1925; amending Article 3012, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925, concerning the depositing of the ballot after it has been prepared by a citizen; providing for the procedure to be followed by the election judges and clerks in handling such prepared ballot; providing for the procedure to be followed by the citizen after having prepared for any person to willfully open the ballot box wherein perforated portions of the ballot have been deposited, or cause same to be opened or in any manner willfully reveal the contents of said ballot box or cause or permit the same to be revealed and making of each such unlawful acts a felony and providing for the punishment of any person guilty of committing such unlawful acts; amending Article 3015, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3018, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3109, Title 50, Chapter 13 of the Revised Civil Statutes of Texas, 1925; amending Article 3122, Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925; providing for a saving clause; repealing all laws or parts of laws in conflict with this Act

to the extent of such conflict only; and declaring an emergency."

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 48 by inserting at the proper place the following:

Each ballot shall be printed in original and duplicate form, and the voter shall be furnished carbon paper to make a duplicate ballot which shall be deposited in a separate box in charge of a supervisor and to be held by such supervisor subject to order of a trial court in court of contest of an election.

The amendment was lost by the following vote:

Yeas—11

Brown	Morris
Carney	Sulak
Chadick	Vick
Crawford	Winfield
Knight	York
Lane	

Nays—18

Aikin	Moore
Bullock	Parrish
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Lanning	Stanford
Martin	Stone
Metcalfe	Taylor
Moffett	Weinert

Absent—Excused

Kelley	Mauritz
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Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 48 by striking out the following: line 29, page 3 of the printed bill:

"The voter shall cross or mark out all the names he does not wish to vote for."

And substituting in lieu thereof the following:

"A 1/8 inch square shall be printed on the left of each name on the ballot and the voter shall check the square to the left of the candidate he desires to vote for."

The amendment was adopted by the following vote:

Yeas—27

Aikin	Bullock
Brown	Carney

Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Knight	Stanford
Lane	Stone
Lanning	Sulak
Martin	Taylor
Metcalf	Vick
Moffett	Winfield
Moore	York
Morris	

Nays—1

Weinert

Absent

Jones

Absent—Excused

Kelley

Mauritz

On motion of Senator Stanford, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senate Bill No. 48 then was passed by the following vote:

Yeas—21

Aikin	Morris
Brown	Parrish
Bullock	Ramsey
Chadick	Shivers
Graves	Spears
Hazlewood	Stanford
Lanning	Stone
Martin	Sulak
Metcalf	Taylor
Moffett	York
Moore	

Nays—7

Carney	Vick
Crawford	Weinert
Knight	Winfield
Lane	

Absent

Jones

Absent—Excused

Kelley

Mauritz

#### Senate Joint Resolution 18 on Final Passage

Senator Winfield moved to call S. J. R. No. 18 from the table, on its final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moore
Brown	Ramsey
Bullock	Shivers
Carney	Spears
Crawford	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Nays—5

Chadick	Parrish
Lane	Vick
Morris	

Absent

Graves

Absent—Excused

Kelley

Mauritz

The President then laid before the Senate on its final passage (the resolution having been read third time on Tuesday, April 24, 1945):

S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas by adding a new Section to be known as Section 17 of Article VII providing that the Legislature shall appropriate the Available University Fund in the proportion of one-third (1/3) to the Agricultural and Mechanical College of Texas and the balance to the University of Texas for the support, maintenance, and operation of and acquiring of permanent improvements at said institutions, and empowering the Legislature to authorize the governing boards of said institutions to pledge the Available University Fund as hereby apportioned or any part thereof to secure bonds or notes issued for the purpose, or to refund bonds or notes issued for the purpose of constructing buildings or other permanent improvements on the campus of said institutions; providing that such bond or notes shall be in such amounts as may be determined by the Legislature and to mature not later than thirty (30) years from their dates and authorizing the investment of the University Permanent Fund in such bonds or notes; providing for the submission of this amendment to a vote of the people of Texas; providing



the time, means, and manner thereof and making an appropriation for such purpose.

Question—Shall the resolution be passed?

Senator Moore moved the previous question on the passage of the resolution and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—20

Brown	Parrish
Bullock	Ramsey
Carney	Shivers
Crawford	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Metcalf	Weinert
Moffett	Winfield
Moore	York

Nays—9

Aikin	Martin
Chadick	Morris
Graves	Taylor
Lane	Vick
Lanning	

Absent—Excused

Kelley	Mauritz
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Senate Joint Resolution No. 18 was then passed by the following vote:

Yeas—23

Brown	Moore
Bullock	Ramsey
Carney	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lanning	Weinert
Martin	Winfield
Metcalf	York
Moffett	

Nays—6

Aikin	Morris
Chadick	Parrish
Lane	Vick

Absent—Excused

Kelley	Mauritz
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Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and Resolutions:

H. B. No. 367, A bill to be entitled "An Act to amend Article 7256 of the Revised Civil Statutes of Texas, as amended by Section 1, Chapter 16, Act of the First Called Session of the 43rd Legislature, and as amended by Acts of 1937, 45th Legislature, page 149, Chapter 80, Section 1, so as to provide that the deputy assessor and collector of taxes in cities of in excess of seven thousand (7000) or more inhabitants, other than the county seat, as provided for in said act, shall be paid in the same manner and from the same funds as are deputy assessors and collectors of taxes whose duties are preformed at the county seat; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act amending Article 4705 as amended of the Revised Civil Statutes of Texas of 1925 so as to include bonds of the United States of America and stock of any state bank as investments in which the capital stock of any insurance company, except any writing Life, Health, and Accident Insurance, shall consist of; and declaring an emergency."

H. B. No. 725, A bill to be entitled "An Act to carry into effect Section 51f of Article III of the Constitution of the State of Texas; to establish a Municipal Pension System of Texas; to determine membership and conditions of membership and participation in said system; to provide for a Board of Trustees of said system and the administration of its affairs; to provide for the voluntary participation by cities and towns of this state in such system and a method for contribution thereto by cities and towns so participating; to provide for the voluntary merger of other pension systems with said system and prescribe the method of effecting such merger to provide for officers and a medical board and to define their duties; to provide for the adoption of actuarially made mortality, mor-

bidity, service, rate and other tables as may be deemed necessary; to provide for the creation, management and distribution of Employee Deposit Fund, the Disability Fund, the Firemen's Fund, the Membership Reserve Fund, the Prior Service Reserve Fund, the Operating Fund, and the Expense Fund of the said system; to provide a method for financing said system; providing for appropriation thereto by participating municipalities but that no appropriation shall ever be made by the Legislature to pay any of the cost of said system; providing their selection and qualification; providing for the investment of funds, declaring an emergency, and making this Act effective immediately."

H. B. No. 662, A bill to be entitled "An Act to be known as Article 494-a of the Code of Criminal Procedure of Texas, providing for compensation of counsel appointed to defend persons who are too poor to employ counsel; and declaring an emergency."

H. B. 856, Providing for the power of condemnation of the right of access to an existing public street when converted into a freeway.

H. B. No. 60, A bill to be entitled "An Act requiring all operators of parking lots and/or storage places for power driven vehicles which are open to the public to carry insurance to cover claims for loss of or injury to property which in such parking lot or storage place; providing for the filing of bonds and/or insurance policies with the city officials; defining certain terms; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act providing workmen's compensation insurance for certain employees of the institutions and agencies under the direction or government of the Board of Directors of the Agricultural and Mechanical College of Texas; authorizing the said Board of Directors to require other employees to acquire protection under a group insurance plan; authorizing the said institutions and agencies to be self-insuring; providing that the institutions and agencies shall administer this Act; prescribing the powers and duties of the Industrial Accident Board and of the institutions and agencies; adopting

by reference certain Legislative Acts relating to workmen's compensation insurance.

H. B. No. 513, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory on petition of the owners thereof to any adjacent city within a county of this State having a population of more than three hundred thousand inhabitants according to the last preceding Federal Census; validating all annexations or attempted annexations of uninhabited territory by ordinance of any adjacent city upon the petition of the owners of such land making this Act cumulative of other Acts dealing with the annexation of territory by cities in this State."

H. B. No. 859, Fixing the compensation of certain designated District, County and Precinct officers and employees in counties having a population of three hundred and forty thousand (340,000) inhabitants or more, and less than five hundred thousand (500,000) inhabitants according to the last preceding Federal Census.

H. B. No. 80, A bill to be entitled "An Act to provide a penalty for the private use of county property, of labor or services paid for by a county, including supplies, equipment, or other things of value belonging to such county; and making it unlawful for any officer of any county to knowingly use the labor services of any person whose labor service is paid for by such county for private use; and providing that if any person appointed or employed by any officer of any court or the Commissioners Court of any county shall knowingly use or permit to be used the labor or services of any person whose labor or services is paid for by such county for private use or profit be guilty of a misdemeanor."

H. B. 834, Creating a conservation district wholly within Bexar County, Texas.

H. B. No. 581, A bill to be entitled "An Act creating fees for marriages, etc., not accounted for by County Judges and Justices of the Peace making the Statutes conform; declaring an emergency."

H. B. No. 800, A bill to be entitled "An Act fixing the maximum rate of tax to be levied for school purposes

in all independent school districts, whether organized under general or special laws, and which, according to the last preceding approved original Scholastic Census, had a scholastic population of less than twelve hundred and fifty (1,250) scholastics; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 544, A bill to be entitled "An Act amending Section One (1) of Article 5949, Vernon's Civil Statutes of Texas, as amended; providing for the appointment of Notaries Public for each county of the State of Texas by the Secretary of State; providing the time of such appointments and when the terms of all appointments made shall end; and declaring an emergency."

H. C. R. No. 55, Memorializing Congress in regard to the provisions for payment, by our enemies, of our war debt.

H. C. R. 67, Granting John V. Dowdy permission to bring suit against the State of Texas.

H. B. No. 600, An Act providing that children may be transported to a school other than one in the "home district" when natural or artificial barriers make it impractical to transport children to the "home school," and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 64 by a vote of 102 yeas, 7 noes.

The House has refused to concur in Senate Amendments to House Bill No. 121 and has requested the appointment of a conference committee to consider the differences between the two houses.

The following conferees have been appointed on the part of the House:

Messrs. Isaacks, Hoyo, Gray, Pearson, Bond.

The House has concurred in Senate amendments to House Bill No. 128 by a vote of 119 Yeas, 0 Noes, 1 Present and not voting.

The House has concurred in Senate amendments to House Bill No. 184 by a vote of 110 Yeas, 14 Noes, 1 Present and not voting.

The House has concurred in Sen-

ate amendments to House Bill No. 338 by a vote of 114 Yeas, 0 Noes.

The House has concurred in Senate amendments to House Bill No. 382 by a vote of 123 Yeas, 0 Noes, 1 Present and not voting.

The House has concurred in Senate amendments to House Bill No. 667 by a vote of 115 Yeas, 0 Noes.

The House has concurred in Senate amendments to House Bill No. 835 by a vote of 103 Yeas, 10 Nays, 2 Present and not voting.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk House of Representatives

Report of Conference Committee on  
House Bill 84

Senator Morris submitted the following conference committee report:

Austin, Texas.  
May 3, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 84, have had the same under consideration and beg leave to report it back to the Senate and the House, with the recommendation that said bill be adopted in the form attached hereto.

Respectfully submitted,

MORRIS  
SHIVERS  
SULAK  
CHADICK  
MOORE

On the Part of the Senate.

LANSBERRY  
SVADLENAK  
CROSTHWAIT  
McLELLAN  
LUCAS

On the Part of the House.

An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Acts of the Fortieth Legislature, page 435, Chapter 290, Section 1, and as amended by Acts of the Fortieth Legislature, First Called

Session, page 138, Chapter 46, Section 1; and as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 83 page 220; and as amended by Acts of the Forty-fourth Legislature, Regular Session, Chapter 362, and so as to provide the salaries of County Commissioners and Precinct Commissioner in certain counties; providing that all General Laws or parts of General Laws in conflict with this Act are hereby expressly repealed; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 2350, Title 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Acts of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Acts of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Acts of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Acts of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and as amended by Acts, Forty-fourth Legislature, Regular Session, Chapter 362; be and the same is hereby amended so as to hereafter read as follows:

"Article 2350. In counties having the following assessed valuations, respectively, as shown by the total assessed valuation of all properties certified by the county assessor and approved by the Commissioners Court, for county purposes, for the previous year, from time to time, the County Commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal monthly installments, at least one-half, and not exceeding three-fourths, out of the Road and Bridge Fund, and the remainder out of the General Fund of the county; said assessed valuation and salaries applicable thereto being as follows:

Assessed Valuation	Salaries to be paid each Commissioner
Not to exceed \$3,500,000.00, as provided at end of this section.	
\$ 3,500,001 and less than 6,000,000 not to exceed..	\$1,500.00
\$ 6,000,001 and less than 9,000,000 not to exceed..	\$1,800.00
\$ 9,000,001 and less than 10,000,000 not to exceed..	\$2,000.00
\$10,000,001 and less than 12,000,000 not to exceed..	\$2,200.00
\$12,000,001 and less than 20,000,000 not to exceed..	\$2,500.00
\$20,000,001 and less than 30,000,000 not to exceed..	\$3,000.00
\$30,000,001 and less than 75,000,000 not to exceed..	\$3,600.00
\$75,000,001 and less than 120,000,000 not to exceed..	\$4,000.00
\$120,000,001 and less than 140,000,000 not to exceed..	\$4,800.00
\$140,000,001 and less than 400,000,000 not to exceed..	\$5,500.00
\$400,000,001 and over not to exceed .....	\$6,000.00

"In counties having assessed valuation of less than Three Million, Five Hundred Thousand Dollars (\$3,500,000) each Commissioner shall receive Five Dollars (\$5) per day for each day served as Commissioner, and a like amount when acting as ex officio road superintendent in his Commissioner's precinct, providing in no event shall his total compensation exceed Twelve Hundred Dollars (\$1200) in any one year. Provided further, however, that in Counties having National Forest Preserves and with less than Four and One-half (4½) Million Dollar valuation that the salaries of said Commissioners shall not exceed Eighteen Hundred Dollars (\$1800) per year."

"Section 1a. The Commissioners' Court in each county is hereby authorized to pay the actual traveling expenses incurred while traveling outside of the county on official county business never to exceed Three Hundred (\$300) Dollars in any one year for each said official."

Section 2. The salary of each County Commissioner and each County Judge may be paid wholly out of the County General Fund or, at the option of the Commissioners Court, may be paid out of the County General Fund and out of the Road and Bridge

Fund in the following proportions; County Judge not to exceed seventy-five (75) per cent of such salaries may be paid out of the Road and Bridge Fund, and the remainder out of the General Fund of the County, and each County Commissioner's salary may, at the discretion of the Commissioners Court, all be paid out of the Road and Bridge Fund; provided this Section shall not apply except in counties where the constitutional limit of twenty-five (25) cents on the One Hundred Dollars (\$100) is levied for general purposes.

Section 3. The Commissioners Court at its first regular meeting after the effective date of this Act and thereafter at the first regular meeting of each year shall, by order duly made and entered upon the Minutes of same Court, fix the salaries of the County Commissioners for such year, within the limits as provided for in this Act.

Section 4. That all General Laws, or parts of General Laws in conflict with the foregoing Act, be, and the same are hereby expressly repealed.

Section 5. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof.

Sec. 6. The fact that the present emergency has increased the cost of living and made it more difficult for counties to find men of competent ability to serve them has created an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

Senator Morris moved that the report be adopted.

The report was adopted by the following vote:

Yeas—29

Aikin	Jones
Brown	Knight
Bullock	Lane
Carney	Lanning
Chadick	Martin
Crawford	Metcalf
Graves	Moffett
Hazlewood	Moore

Morris	Sulak
Parrish	Taylor
Ramsey	Vick
Shivers	Weinert
Spears	Winfield
Stanford	York
Stone	

Absent—Excused

Kelley	Mauritz
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#### Senate Bill 235 on Third Reading

Senator York moved that the regular order of business be suspended to take up for consideration at this time, Senate Bill No. 235.

The motion prevailed by the following vote:

Yeas—18

Brown	Parrish
Bullock	Ramsey
Crawford	Stanford
Hazlewood	Stone
Jones	Taylor
Knight	Vick
Lane	Weinert
Martin	Winfield
Moffett	York

Nays—7

Aikin	Metcalf
Chadick	Morris
Graves	Sulak
Lanning	

Absent

Carney	Shivers
Moore	Spears

Absent—Excused

Kelley	Mauritz
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The President then laid before the Senate on its third reading and final passage:

S. B. No. 235, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals, the Judges of the Supreme Court Commission of Appeals, and the Judges of the Commission in Aid of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read third time.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 235, Section 1, line 26, by striking out the words and figures \$6,000 and substituting in lieu thereof the words and figures \$5,500.

Question—Shall the amendment be adopted?

#### Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred H. B. No. 475, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 339, have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass, and be not printed.

MARTIN, Vice Chairman.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 684, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Vice Chairman.

#### Recess

On motion of Senator Graves, the Senate, at 12:00 o'clock m., took recess to 2:30 o'clock p. m., today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

#### Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 840, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 492, have had the same under consideration and are instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. B. No. 110, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 854, have had same under consideration and are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KNIGHT, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 831, have had same under consideration and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

LANNING, Chairman.

**House Bills on First Reading**

The following House bills were laid before the Senate, read and referred to the committees indicated:

- H. B. No. 80, to Committee on Criminal Jurisprudence.
- H. B. No. 834, to Committee on State Affairs.
- H. B. No. 581, to Committee on Civil Jurisprudence.
- H. B. No. 800, to Committee on Education.
- H. B. No. 544, to Committee on State Affairs.
- H. B. No. 367, to Committee on State Affairs.
- H. B. No. 802, to Committee on Civil Jurisprudence.
- H. B. No. 725, to Committee on Towns and City Corporations.
- H. B. No. 662, to Committee on Criminal Jurisprudence.
- H. B. No. 856, to Committee on Towns and City Corporations.
- H. B. No. 60, to Committee on Towns and City Corporations.
- H. B. No. 444, to Committee on Insurance.
- H. B. No. 513, to Committee on Towns and City Corporations.
- H. B. No. 600, to Committee on Education.
- H. B. No. 859, to Committee on Counties and County Boundaries.

**House Concurrent Resolutions Referred**

H. C. R. No. 55 and H. C. R. No. 67 were laid before the Senate, were read severally and referred to the Committee on State Affairs.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 82, Relative to the per diem of Members of the Forty-ninth Legislature after the first 120 days of the Regular Session.

H. C. R. No. 78, Recalling House

Bill No. 746 from the Governor's Office.

H. C. R. No. 81, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 687.

H. C. R. No. 83, Authorizing and instructing the Enrolling Clerk to make such typographical corrections in House Bill No. 382 as may be necessary and proper.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Bill 235 on Final Passage**

The Senate resumed consideration of pending business, same being Senate Bill No. 235, relating to increasing salaries of judges, on its final passage, with an amendment by Senator Morris pending.

The amendment was lost by the following vote:

**Yeas—9**

Aikin	Metcalf
Chadick	Moffett
Knight	Morris
Lane	Sulak
Lanning	

**Nays—16**

Brown	Spears
Bullock	Stanford
Crawford	Stone
Graves	Taylor
Hazlewood	Vick
Jones	Weinert
Parrish	Winfield
Ramsey	York

**Absent**

Carney	Moore
Martin	Shivers

**Absent—Excused**

Kelley	Mauritz
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Senate Bill No. 235 was passed by the following vote:

**Yeas—21**

Brown	Martin
Bullock	Moffett
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Knight	Taylor
Lane	Vick

Weinert York  
Winfield

Nays—6

Aikin Metcalfe  
Jones Morris  
Lanning Sulak

Absent

Moore Shivers

Absent—Excused

Kelley Mauritz

#### Senate Bill 250 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 250, A bill to be entitled "An Act to require applicants for registration of vehicles subject to registration by law to present to the county tax collector to whom application for registration is made a statement showing the county, school district, city or town, and other taxing districts by which such vehicles were taxable for the preceding year, and to exhibit to such tax collector receipts or certificates showing payment of all state, county, city or town, school district or other taxing district ad valorem taxes for such preceding year for which such vehicle was taxable, making it unlawful for the Highway Department or any collector to issue or cause to be issued registration receipts or license plate, or for any applicant to receive same without compliance with the provisions of this Act; and declaring an emergency."

The bill was read second time.

(Senator Aikin in the Chair)

Senator Vick offered the following amendment to the bill:

Amend S. B. No. 250 by inserting between the words "taxes" and "for" on line 31 of printed bill the following words "including all taxes on payer."

Senator Sulak raised a point of order against consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Presiding Officer sustained the point of order.

Senator Sulak offered the following amendment to the bill:

Amend S. B. No. 250 by inserting

in line 31, page 1, of the printed bill between the words "ad valorem" and "taxes" the following:

"on such automobile."

The amendment was adopted.

Senate Bill No. 250 was passed to engrossment by the following vote:

Yeas—18

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Weinert
Metcalfe	York

Nays—11

Carney	Ramsey
Crawford	Shivers
Graves	Taylor
Lanning	Vick
Martin	Winfield
Moore	

Absent—Excused

Kelley Mauritz

#### Motion to Place Senate Bill 250 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 250 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—22

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Weinert
Metcalfe	York

Nays—7

Carney	Shivers
Lanning	Vick
Martin	Winfield
Moore	

Absent—Excused

Kelley Mauritz



(President in the Chair)

**Senate Bill 120 on Second Reading**

Senator Lanning moved to suspend the regular order of business, to take up for consideration at this time, Senate Bill No. 120.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent—Excused

Kelley                      Mauritz

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 120, A bill to be entitled "An Act appropriating the sum of One Million Two Hundred Twelve Thousand One Hundred Eighty-One and no/100 (\$1,212,181.00) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1945, and ending August 31, 1947, from the General Revenue Fund for the purposes of promoting public school interest and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and vocational rehabilitation of disabled persons according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allocations of said appropriation; authorizing aid to schools in accordance with the conditions specified herein; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under the authority of the State Board for Vocational Education providing for ac-

ceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plan acceptable to the Federal agency in charge of such funds; defining the powers of the State Board for Vocational Education; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following committee amendment to the bill:

Amend Senate Bill No. 120 by striking out all below the Enacting Clause and inserting in lieu thereof the following:

Section 1. For the purpose of promoting public school interests and matching Federal funds, there is hereby appropriated out of the General Revenue Fund Two Million Four Hundred Twenty-Four Thousand Three Hundred Sixty-Two and no/100 (\$2,424,362.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1946, and Two Million Four Hundred Twenty-four Thousand Three Hundred Sixty-two and no/100 (\$2,424,362.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1947, to be allotted and expended by the State Board of Education.

Section 2. Provided that vocational agriculture, home economics and trades and industries and distributive education teachers may be paid for twelve (12) months where the superintendent of the school in which they are employed has certified to the State Board of Education that such teacher is actually engaged in teaching this work twelve (12) months.

Section 3. There is hereby allocated and set aside the following amounts for the purposes indicated below:

Vocational Agriculture:	
Eight hundred seventy thousand, eight hundred fifty dollars .....	\$870,850.00
Vocational Home Economics: Six hundred ninety-three thousand, five hundred twelve and no/100 dollars .....	
	693,512.00
Trades and Industries:	
Four hundred thousand dollars .....	400,000.00

**Distributive Education:**

One hundred ten thousand dollars ..... 110,000.00

**Vocational Rehabilitation:**

Three hundred fifty thousand dollars ..... 350,000.00

Provided unexpended balances remaining in the funds hereinappropriated for vocational services may be reallocated with the consent of each of the directors and with the approval of the State Board of Education.

Section 4. The fact that many schools in this State are desirous of having the services of vocational teachers mentioned in this Act, and the further fact that if the schools receive such services it is absolutely necessary that this appropriation be passed, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Aikin offered the following substitute for the committee amendment:

Amend Senate Bill 120 by striking out all of Section 5 and insert in lieu thereof the following:

"Section 5. There is hereby allocated and set aside the following amounts for the purposes indicated below:

**Vocational Agriculture:**

Three hundred eighty-five thousand, four hundred twenty-five dollars. \$385,425.00

**Vocational Home Economics:**

Two hundred, ninety six thousand, seven hundred fifty-six dollars and fifty-eight cents ..... 296,756.58

Trades and Industries: Two hundred thousand dollars ..... 200,000.00

**Vocational Rehabilitation:**

One hundred fifty-four thousand, three hundred seventy-four dollars.... 154,374.00

Rehabilitation for Crippled Children: One hundred Sixty-two thousand, five hundred dollars, to be expended under the

direction of the State Department of Health.... 162,500.00

Provided unexpended balances remaining in the funds herein appropriated for vocational services may be re-allocated with the consent of each of the directors and with the approval of the executive officer.

The proper officer or officers of any State Departments, bureaus, or divisions of State agencies are hereby authorized to make application for and accept any gifts, grants, or allotments or funds from the United States Government to be used on State cooperative and other Federal projects and programs in Texas, including construction of public buildings, repairs, and improvements. Any of such Federal funds as may be deposited in the State Treasury are hereby appropriated to the specific purpose authorized by the Federal Government, and subject to the limitation placed on this Act.

Question first recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

**Yeas—17**

Aikin	Metcalf
Brown	Moore
Bullock	Morris
Chadick	Shivers
Crawford	Stanford
Jones	Stone
Knight	Vick
Lane	Weinert
Lanning	

**Nays—9**

Carney	Spears
Hazlewood	Taylor
Moffett	Winfield
Parrish	York
Ramsey	

**Absent**

Graves	Sulak
Martin	

**Absent—Excused**

Kelley	Mauritz
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The committee amendment as substituted was then adopted.

Senator Knight offered the following amendment to the bill:

Amend S. B. 120 on page 2, between

lines 14, 15 by adding a new section to read as follows:

The State Board of Vocational Education shall consist of the members of the State Board of Education and the State Superintendent of Public Instruction of the State of Texas. The State Superintendent is hereby designated as the Executive and Administrative officer of said Board. The Board is empowered to cooperate with the United States Commissioner of Education as provided and required by said Act of Congress, and to do all things necessary to entitle the State to receive the full benefits thereof.

Senator Metcalfe raised a point of order against consideration of the amendment on the ground that it is not germane to the original purposes of the bill and that it attempts to amend a general law by a provision inserted in an appropriation bill.

The President sustained the point of order.

On motion of Senator Lanning, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senate Bill No. 120 was then passed to engrossment.

#### Senate Bill 120 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

#### Absent—Excused

Kelley	Mauritz
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Conference Committee on House Bill 54

The President announced the appointment of the following free conference committee to adjust the differences between the two Houses on House Bill No. 54: Senators Graves, Stone, Moore, Shivers and Stanford.

#### House Concurrent Resolution 72

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 72, Dedicating a certain tract of land located in Waller County for the use and benefit of the Prairie View State Normal and Industrial College of Texas.

The resolution was read and was adopted.

#### Reports of Standing Committees

By unanimous consent the following committee reports were submitted at this time:

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred, H. B. No. 652, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be mimeographed.

KNIGHT, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred S. B. No. 338 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

BULLOCK, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Vet-

erans' Affairs, to whom was referred House Bill No. 181 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed as amended.

MARTIN, Chairman.

Austin, Texas,  
May 7, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence, to whom was referred H. B. No. 80 have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANE, Chairman.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

H. B. No. 111, "An Act to amend Article 3746, Title 55, of the Revised Civil Statutes of Texas of 1925, so that the commission to take a deposition may be addressed to, and executed and returned by, any commissioned officer in the Armed Forces of the United States of America, in the Auxiliary thereto, or any commissioned officer in the Armed Forces Reserve of the United States of America, or any Auxiliary thereto, where the witness is alleged to be a member of the Armed Forces of the United States, or of the Auxiliary thereof, without the territorial confines of the United States; and declaring an emergency."

H. B. No. 424, "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated independent school districts, rural high school districts, and all other school districts, whether created by general or special law or by county board of trustees; providing this Act shall not validate the organization or creation

of any district, or consolidation or annexation of any district in or to such district where same is now involved in litigation; etc., and declaring an emergency."

H. B. No. 430, "An Act to amend Section 7, of Article 1524a, of the Acts of the 45th Legislature, 1937, p. 405, Chapter 204, Section 2, so as to exempt corporations subject to the provision of Article 1524a, with a minimum capital of \$50,000.00 from collateralizing the sale of certain certificates when sold only to borrowers of the issuing corporation in an amount not to exceed the amount of the debt of borrower to said corporation, and so long as the certificate sold matures at a date not later than the maturity date of the last installment of the debt of purchaser to the issuing corporation, but retaining the balance of the provisions of said section, and declaring an emergency."

H. B. No. 816, "An Act to amend Senate Bill No. 109, Acts of the Thirty-ninth Legislature, Regular Session, 1925, so as to allow the Ben Bolt Independent School District to have its own assessor and collector of taxes, school depository, and the management of their school; and declaring an emergency."

H. B. No. 846, "An Act amending Article 2624, Revised Civil Statutes of Texas, 1925, changing the name of the College of Industrial Arts at Denton, in Denton County, to the 'Texas State College for Women'; providing a changed meaning of the name, 'College of Industrial Arts,' or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas, 1925, or any amendments thereto, or in any Acts of any Legislature passed since the adoption of said Revised Statutes; ratifying and confirming in behalf of the Texas State College for Women all Legislative Acts and appropriations heretofore passed in behalf of the College of Industrial Arts of the Texas State College for Women; and declaring an emergency."

H. B. No. 86, "An Act to amend Article 2980 of the Revised Civil Statutes of 1925, to eliminate the requirement that candidate for presidential electors shall have their names printed on the ticket, for President and Vice-President, respectively, of

the Political Parties shall appear on the official ballot at the heads of their respective tickets, and declaring an emergency."

H. B. No. 583, "An Act to amend Section 4 of S. B. No. 266, Ch. 258, Acts of 1943, 48th Legislature, Regular Session, so as to exempt from the provisions of said Chapter any rental or lease agreement covering a rental period of not exceeding four months and involving a total expenditure of Two Hundred Dollars (\$200.00) or less; and declaring an emergency."

H. B. No. 694, "An Act authorizing the governing boards of Junior Colleges organized and created in any manner under the provisions of House Bill No. 955, Chapter 37, Acts of 1939, Special Laws, 46th Legislature, Regular Session, and all amendments thereof, to issue bonds for acquisition of sites therefor, to provide sinking funds to retire bonds to levy taxes of not greater than twenty (20) cents on the Hundred Dollars (\$100) valuation; providing for election authorizing taxes for such purposes; providing for the assessment and collection of taxes for necessary amount to meet expenses of operating; supporting, and maintaining such colleges; containing a repealing clause; providing a savings clause; and declaring an emergency."

H. B. No. 592, "An Act amending Sections 5 and 7, Article 5142B, Title 82, of the Revised Civil Statutes of the State of Texas."

H. B. No. 798, "An Act providing for the attorneys in counties having a population of Sixty Thousand and One (60,001) and not more than One Hundred Thousand (100,000) according to the last preceding Federal census in counties where the county attorney performs the duties of county attorney and district attorney; providing for the method of their appointment; providing for their compensation; providing for certain reports and applications and declaring an emergency."

H. B. No. 474, "An Act amending Article 2791 of the Revised Civil Statutes of Texas and Article 2792 of the Revised Civil Statutes of Texas, as amended, so as to create the office of assessor and collector of each independent school district, whether created by special or general law,

with certain powers and duties, and so as to authorize the board trustees of any independent school district to have its taxes assessed and collected, or collected only, by the city assessor and collector of an incorporated city or town in the limits of which the school district or a part thereof, is located; providing for remuneration for such assessment and collection; and declaring an emergency."

H. B. No. 479, Providing that in all counties having the office of County Superintendent where the scholastic population is less than 3,000 but more than 2,000, that the office shall continue until a majority of voters shall vote to abolish said office, etc.; and declaring an emergency.

H. B. No. 535, Providing for continuous terms of Court for the 39th Judicial District of Texas; and declaring an emergency.

H. B. No. 677, Providing certain definitions and exemptions as to a place of business; providing for a maximum and minimum limit on the taking of fish by certain persons, etc.; and declaring an emergency.

H. B. No. 537, Regulating the hunting of deer in Orange, Liberty, and Hardin Counties; and declaring an emergency.

H. B. No. 547, Authorizing any levee improvement district operating under the assessed benefit plan of taxation and situated in county with population of more than 390,000 inhabitants, to issue refunding bonds for the outstanding bonds and coupons of said district; and declaring an emergency.

H. B. No. 795, To diminish the civil and criminal jurisdiction of the County Court of Titus County, and to conform the jurisdiction of the District Court of such County to such change; and declaring an emergency."

H. B. No. 836, Relative to creating Road District No. 6 in Lamb County; and declaring an emergency.

S. B. No. 291, An Act amending Chapter 141, Acts 40th Legislature, Regular Session, as amended by Chapter 246, Acts 42nd Legislature, Regular Session and House Bill No. 321, Regular Session, 45th Legisla-

ture, and Chapter 21, Acts of 45th Legislature, First Called Session, to include persons who served in the active military, naval or other armed forces or nurses corps of the United States on or after September 16th, 1940 and prior to the termination of hostilities in the present war. With amendments.

S. B. No. 123, "An Act to amend Subsection 1 of Section 1 of Senate Bill No. 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the fixing of the amount of fees to be retained by precinct, county, and district officer; to amend Subsection 1 of Section 3 of Senate Bill 209, Chapter 220, Acts of Senate Bill 209, Chapter 220, Acts of the Forty-third Legislature, Regular Session, 1933, so as to provide for the appointment and compensation of deputies; providing a saving clause; and declaring an emergency."

H. B. No. 527, An Act to amend Article 4725, Revised Civil Statutes of 1925, as thereafter amended by adding to said article, as last amended, a provision to the effect that the provisions of subdivision 2 thereof as to the value of the real estate compared to the amount loaned thereon and as to the duration of such loan shall not apply to loans secured by real estate which are guaranteed in whole or in part under the provisions of Title III of the Servicemen's Readjustment Act of 1944, enacted by the Congress of the United States and approved June 22, 1944, and declaring an emergency.

H. B. No. 820, Squirrel law for Cherokee County; and declaring an emergency.

H. B. No. 730, Amending Article 6964, Revised Civil Statutes of Texas, 1925; and declaring and emergency.

H. B. No. 257, To fix a maximum rate of tax to be levied for school districts which include a town with population of not fewer than 3,011 and not more than 3,070 whether organized under General or Special Law; and declaring an emergency.

H. B. No. 284, Amending Chapter 7, Title 93, of Revised Civil Statutes of 1925, pertaining to weights and measures, etc., and declaring an emergency.

H. B. No. 431, To delimit the definition of a loan broker by excluding institutions subject to supervision or examination by the Department of Banking; and declaring an emergency.

H. B. No. 729, Amending Section 6953, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

S. J. R. No. 8, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, prescribing their qualifications, tenure of office and compensation and abolishing the Commission of Appeals.

#### Recess

On motion of Senator Ramsey, the Senate, at 4:35 o'clock p. m., took recess until 10:30 o'clock a. m., tomorrow.

#### SIXTY-NINTH DAY—Continued

(Tuesday, May 8, 1945)

(Legislative Monday)

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

Communication from Dr. E. P. Schoch

The following communication from Dr. E. P. Schoch, was read by the President, and was ordered printed in the Journal:

Austin, Texas,  
May 7, 1945.

Lt. Governor John Lee Smith,  
State Capitol,  
Austin, Texas.

Dear Lt. Governor Smith:

Kindly read my enclosed Plea,—I wished to present this in person,—but the University Appropriation will probably be up for your consideration before I could do this.

Sincerely,

E. P. SCHOCH.

Plea of E. P. Schoch in support of the University's request for funds for Gas Research.

A. What have we achieved?—and what else are we looking for?

1. We have found a new process for making acetylene—which process has been recognized by private industries to be so valuable that they have donated the means to complete it.